REMARKS/ARGUMENTS

1.   SUMMARY OF THE FINAL OFFICE ACTION

In the Final Office Action mailed February 9, 2005, the Examiner rejected claims 1 – 5, 7 – 10, 12 – 16, 18 – 21, 23, 26 – 30, 32 – 35, 37 – 41, 43 – 46 and 48 under 35 U.S.C. § 103(a) as being unpatentable over the combination of U.S. Patent No. 5,557,798 to Skeen et al. (hereinafter, "Skeen") and U.S. Patent No. 5,961,586 to Pedersen (hereinafter, "Pedersen"). In addition, the Examiner rejected claims 11, 22, 24 – 25, 36 and 47 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Skeen, Pedersen, and U.S. Patent No. 5,680,551 to Martino (hereinafter, "Martino").

In this preliminary amendment, claims 1 – 5, 7 – 16, 18 – 30, 32 – 41 and 43 – 48 have been canceled, and claims 49 – 69 have been newly added.

2.   RESPONSE TO § 103 REJECTIONS

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

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Claims 49 – 69 are not obvious in view of any combination of Skeen, Pedersen and Martino, because Skeen, Pedersen and Martino, when considered singularly or in combination, do not disclose each and every limitation of claims 49 – 69.

Claim 49 states in part:

> receiving, at the publisher application, a certified messaging subscription request, said certified messaging subscription request including a subscriber name identifying the subscriber application, an address where the subscriber application receives messages, and a subject name associated with and identifying the particular type of message for which the certified messaging session is to be established;

(Claim 49, emphasis added). Claim 49 generally relates to establishing a certified messaging session between a publisher application and a subscriber application in the context of a publish/subscribe messaging environment. Accordingly, claim 49 refers to receiving, at the publisher application, a certified messaging subscription request including a subscriber name identifying the subscriber application.

Skeen does not disclose or suggest receiving, at a publisher application, a subscription request or a certified messaging subscription request including a subscriber name identifying the subscriber application. Generally, Skeen relates to a "normal" publish/subscribe messaging session (e.g., a messaging session that is not a certified messaging session). As disclosed in Skeen, the publisher application is not aware of the existence of any subscriber applications. For example, in a "normal" publish/subscribe messaging session, in order to receive messages of a particular type, a subscriber application communicates a subscription request including a subject name associated with the particular type of message to an intermediary service. The intermediary service, in turn, is responsible for making sure that messages of the type subscribed for are actually delivered to the subscriber application. In any case, according to Skeen, the subscription request is not communicated to the actual publisher application, and the publisher application does not receive a subscriber name identifying the subscriber application. That is, Skeen does not disclose or suggest receiving, at

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the publisher application, a certified messaging subscription request **including a subscriber name identifying the subscriber application**.

In the Final Office Action mailed February 9, 2005, the Examiner stated:

> Applicant argued that subscription registration message of Skeen is different from the certified message subscription request in the patent application (Remarks, middle paragraph Page fifteen, first complete paragraph page 16). **In response, both of these messages are subscription requests being sent to the publisher application.** The details of how the certified message subscription request in the patent application is different from the subscription registration message of Skeen is not claimed [in] the claim language. Therefore, the reference meets the limitation as claimed.

(Final Office Action mailed February 9, 2005).

Applicants submit a certified messaging subscription request, as claimed in claim 49, is different from the subscription request described in Skeen, **because the subscription request of Skeen does not include a subscriber name identifying the subscriber application.** For example, in connection with the description of Figure 14, Skeen states:

> Subject-based addressing starts with a subscribe call 188 to the subject mapper 180 by a client application 16 running on host computer 10. The subscribe call is a request for information regarding a particular subject. Suppose hypothetically that the particular subject was equity.IBM.news. This subscribe call would pass **two parameters to the subject mapper 180. One of these parameters would be the subject equity.IBM.news.** The other parameter would be **the name of a callback routine** in the client application 16 to which data regarding the subject is to be passed. The subscribe call to the subject mapper 180 is a standard procedure call.

(Skeen, Col. 20, Lines 23 – 33, emphasis added). According to Skeen, the subscribe call (e.g., subscription request) includes a subject name and a callback routine. However, Skeen does not disclose or suggest receiving, at the publisher application, a certified messaging subscription request **including a subscriber name identifying the subscriber application,** as is recited in claim 49.

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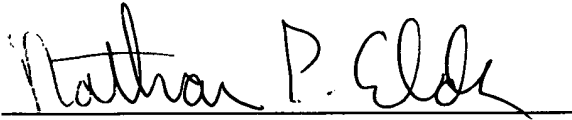In connection with the description of Figure 19, Skeen states:

> Application 1 (on the application layer or layer 1 of the ISO Model) then sends a "subscribe request" to information layer 342 in FIG. 17. This process is represented by step 402 in FIG. 19A. This subscribe request is entered by calling the appropriate library program in the linked library of programs which include the TIB-INFO interface. This subroutine call passes the **subject** on which data is requested and **a pointer to the callback routine** in the requesting process that the TIB-INFO library program on the information layer is to call when messages are received on this subject.

(Skeen, Col. 33, Lines 43 – 52, emphasis added). Here again, Skeen refers to communicating a "subscribe request" in the form of a subroutine call that passes a subject and a pointer to a callback routine. However, Skeen does not suggest or disclose receiving, at the publisher application, a certified messaging subscription request **including a subscriber name identifying the subscriber application**, as is recited in claim 49. Consequently, Applicants submit that Skeen does not anticipate claim 49. Moreover, claim 49 is not obvious in view of any combination of Skeen, Pedersen and Martino.

For the reasons stated above, Applicants also submit that independent claims 56, 60 and 66 are also not anticipated by Skeen, or rendered obvious by any combination of Skeen, Pedersen and/or Martino. Furthermore, dependent claims 57 – 59, 61 – 65 and 67 – 69 are also not anticipated or rendered obvious by Skeen, Pederson and/or Martino.

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Authorization is hereby given to charge our Deposit Account No. 02-2666

for any charges that may be due. Furthermore, if an extension is required, then

Applicants hereby request such an extension.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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